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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HOPLAND BAND OF POMO INDIANS, )  
*et al.*, )  
 Plaintiffs, )  
 v. )  
 KEN SALAZAR, Secretary of the Interior, )  
*et al.*, )  
 Defendants. )

Case No. 3:12CV556-CRB  
 Hon. Charles R. Breyer  
 Courtroom: N/A  
 Hearing: N/A

SECOND STIPULATION WITH  
~~RECEIVED~~ ORDER TO EXTEND TIME  
 FOR DEFENDANTS TO RESPOND TO  
 PLAINTIFFS' COMPLAINT

Pursuant to Civil L.R. 6-2, and for good cause shown, the parties stipulate that the time for defendants to respond to plaintiffs' complaint shall be extended for a second time, from May 9, 2012 until May 23, 2012. Pursuant to Civil L.R. 6-2(a)(1), and in support of this stipulation, the parties state as follows:

1. Plaintiffs filed and served their complaint on February 2, 2012, *see* Compl. & Summons, ECF No. 1-2, and served it on the United States Attorney for the Northern District of California on February 8, 2012. Pursuant to Fed. R. Civ. P. 12(a)(2) and

- 6(a)(1)(C), defendants' time to respond to plaintiffs' complaint originally was set for April 9, 2012. However, on March 23, 2012, the parties, for good cause shown, filed a stipulation for a 30-day extension of time for defendants to respond to plaintiffs' complaint. *See* Stip. with Proposed Order, ECF No. 9.
2. On March 28, 2012, this Case was reassigned from Magistrate Judge Nandor J. Vadas to Judge Charles R. Breyer. *See* Order, ECF No. 12. On April 10, 2012, the Clerk entered a Notice setting the Case Management Statement due by June 15, 2012, and setting the Case Management Conference for June 22, 2012, at 8:30 a.m. *See* Clerk's Notice, ECF No. 13.
  3. Undersigned counsel for defendants has been out of state from March 28, 2012 until April 12, 2012, first to visit to his dying father-in-law and then to deal with funeral planning, funeral arrangement, and preliminary estate matters concerning his late father-in-law. Even after his return, these personal affairs have kept and will continue to keep undersigned counsel for defendants out of the office on a number of different days. Since his return to the office, moreover, undersigned counsel for defendants has been tasked with helping the Deputy Solicitor General prepare for an argument in *Salazar et al. v. Ramah Navajo Chapter*, No. 11-551, before the Supreme Court on April 18, 2012, and has been tasked with assisting the Civil Appellate staff with drafting an appellate brief in *Los Coyotes Band of Cahuilla & Cupeño Indians v. Salazar, et al.*, No. 11-57222 (9th Cir.), due May 2, 2012. These events have prevented and will prevent defendants from having adequate time to prepare a file a response to plaintiffs' complaint by May 9, 2012.
  4. The parties agree that, in light of the personal and professional obligations and commitments of undersigned counsel for defendants, a 14-day extension of time for defendants to prepare and file a response to plaintiffs' complaint is reasonable and appropriate. Pursuant to Civil L.R. 6-2(a)(2), the parties agree that this is the second extension of time sought by defendants in this matter. Pursuant to Civil L.R. 6-

2(a)(3), the parties further agree that this extension of time need not affect the dates set for the Case Management Statement and Case Management Conference.

Accordingly, for good cause shown, the time for defendants to file a response to plaintiffs' complaint shall be extended from May 9, 2012 to May 23, 2012.

Respectfully Submitted,

s/ Lester J. Marston  
LESTER J. MARSTON  
RAPPORT AND MARSTON  
Attorney for Plaintiffs

s/ James D. Todd, Jr.  
JAMES D. TODD, JR.  
Senior Counsel  
U.S. DEPARTMENT OF JUSTICE  
Attorney for Defendants

Dated: May 4, 2012

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 7, 2012

